

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

**In re:** )  
RAY A. PERRIN ) **Case No. 19-41791-drd-13**  
Debtor. )

**TRUSTEE'S MOTION TO DISMISS CASE FOR MATERIAL DEFAULT WITH  
RESPECT TO THE TERMS OF A CONFIRMED PLAN**

**COMES NOW** Richard V. Fink, the Standing Chapter 13 Trustee (“trustee”), and files this Motion to Dismiss Case for Material Default with Respect to the Terms of a Confirmed Plan, and in support thereof states:

1. The debtor filed for relief under Chapter 13 on January 16, 2019.
2. The debtor’s plan was confirmed as a 100% plan on August 21, 2020 (ECF Doc #150).
3. The debtor’s confirmed plan provides for the Bank of Orrick (“Creditor”) to be paid monthly interest payments only until such time as the property located at 15015 E. US 40 Highway, Kansas City, MO, (“Property”) is sold.
4. Part 7 of the confirmed plan provides for the debtor to pay the following debts when the Property is sold: BMO Harris Bank N.A.; Jackson County Collector; Michael Andrews, Jr.; Trader & Sullivan, LLC; Mary Kay Dicarlo; and all non-priority unsecured creditor claims at 100%.
5. Additionally, the Creditor holds the mortgage on the debtor’s residence located at 4305 S. Huntington Way, Independence, MO 64055. The debtor’s confirmed plan also provides for the debt owed to the Creditor on the debtor’s residence be paid in full by a refinance or by the residence being sold.
6. The trustee has sought multiple updates from the debtor’s attorney regarding the status of the sale of the Property. Based on information and belief, the Property has not been sold.
7. The debtor is above median and he is currently in month forty-four of his plan. The trustee is bringing this to the court’s attention as the time remaining for the debtor to fulfill the terms of his confirmed plan is running out.
8. The trustee requests that the case be dismissed for cause pursuant to 11 U.S.C. Section 1307(c)(1) and (6) due to the material default by the debtor with respect to a term of the confirmed plan in that the Property has not been sold within a reasonable time period and has caused an unreasonable delay that is prejudicial to creditors.

**WHEREFORE**, trustee moves the Court for an Order dismissing the above captioned case for cause under 11 U.S.C. § 1307(c).

March 8, 2023

Respectfully submitted,  
/s/ Richard V. Fink, Trustee  
Richard V. Fink, Trustee  
2345 Grand Blvd., Ste. 1200  
Kansas City, MO 64108-2663  
(816) 842-1031

### **NOTICE OF MOTION**

**Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.** Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), this proceeding will be dismissed by separate Order of the Court.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

### **NOTICE OF SERVICE**

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR  
KRIGEL & KRIGEL (367532) – attorney for debtor

/s/ Richard V. Fink, Trustee